

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re **BROADENING REISSUE** patent application of:
FAOUR, J. et al.

Serial No.: 10/004,772
Filed: 12/03/2001

Group Art Unit: 1615
Examiner: N/A

TECH CENTER 1600/2900

Based Upon:

Patent No.: 6,004,582
Issued: December 21, 1999
Application Serial No.: 09/086,871
Filed: May 29, 1998
For: Multi-layered osmotic device

BOX REISSUE
Assistant Commissioner for Patents
Washington, DC 20231

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on March 13, 2002.

Rick Matos

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Sir:

SUPPLEMENTAL STATEMENT OF STATUS

Further to the Statement of Status and Preliminary Amendment filed December 3, 2001, Applicants hereby request amendment of said Statement.

On page 3, lines 28-30 of the previously filed Statement, the undersigned made the following statement:

"Moreover, Examples 4 (Col. 20, lines 62-67), 7 (Col. 22, lines 8-12), and 8 (Col. 22, lines 44-50) include exemplary formulations wherein the inert coat is completely erodible or water soluble but does not comprise poly(vinylpyrrolidone)-(vinyl acetate) copolymer."

The undersigned states that this error occurred without deceptive intent. Applicants request that the above statement be stricken from the earlier filed Statement, since it is incorrect. The formulations of Examples 4, 7 and 8 include copolyvidone, which is another name for poly(vinylpyrrolidone)-(vinyl acetate) copolymer (Kollidon VA 64, copovidone). Enclosed herewith is a copy of a page of the product brochure for Kollidon VA 64, a page from the European Pharmacopoeia-Supplement 2001, and a page from the United State Pharmacopeia.


Nonetheless, Applicants submit that the requirement of poly(vinylpyrrolidone)-(vinyl acetate) copolymer in reissue application claims 24-27 is unnecessary for all of the previously

mentioned reasons. In particular, the specification enables the broader scope of claims 24-27, since it includes a detailed description of the properties the inert polymer coat must possess (Col. 6, lines 54-66) and of a variety of materials that can be used to make an inert polymer coat having those properties (Cols. 7-8). Accordingly, one of ordinary skill in the art will, in view of the specification and claims, be able to practice the claimed invention without undue experimentation. Moreover, the requirement for poly(vinylpyrrolidone)-(vinyl acetate) copolymer was not added during prosecution nor was it found to be the key distinguishing feature between the claimed invention and the art of record.

For all the above reasons and for all of the previously stated reasons, it is respectfully submitted that claims 1-49 are patentable over the references of record. An early notice of allowance of claims 1-49 is respectfully requested.

Respectfully submitted,

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